



**CITY OF THE COLONY
CITY COUNCIL MEETING AGENDA
TUESDAY, JANUARY 19, 2016
6:30 PM**

TO ALL INTERESTED PERSONS:

Notice is hereby given of a **REGULAR SESSION** of the **CITY COUNCIL** of the City of The Colony, Texas to be held at **6:30 PM** on **Tuesday, January 19, 2016** at **CITY HALL, 6800 MAIN STREET, THE COLONY, TEXAS**, at which time the following items will be addressed:

1.0. ROUTINE ANNOUNCEMENTS, RECOGNITIONS AND PROCLAMATIONS

- 1.1. Call to Order
- 1.2. Invocation
- 1.3. Pledge of Allegiance to the United States Flag
- 1.4. Salute to the Texas Flag
- 1.5. Recognize The Colony High School National Art Honor Society Students for their work on a mural at The Colony Recreation Center (PARD, Swain)
- 1.6. Items of Community Interest
 - 1.6.1. Receive presentation from Parks and Recreation regarding upcoming events and activities (PARD, Stansell)

2.0. WORK SESSION - The Work Session is for the purpose of exchanging information regarding public business or policy. No action is taken on Work Session items. Citizen input will not be heard during this portion of the agenda.

- 2.1. Receive presentation and discuss Fire Department facilities, personnel and equipment needs (Fire, Thompson)
- 2.2. Council to provide direction to staff regarding future agenda items (Council)

3.0. CITIZEN INPUT

- 3. CITIZEN INPUT - This portion of the meeting is to allow up to five (5) minutes per speaker with a maximum of thirty (30) minutes for items not posted on the current agenda. The council may not discuss these items, but may respond with factual data or policy information, or place the item on a future agenda. Those wishing to speak shall submit a Request Form to the City Secretary.

¹ These items are strictly public service announcements. Expressions of thanks, congratulations or condolences; information regarding holiday schedules; honorary recognition of city officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that are scheduled to be attended by a city official or city employee. No action will be taken and no direction will be given regarding these items.

4.0. CONSENT AGENDA - The Consent Agenda contains items which are routine in nature and will be acted upon in one motion. Items may be removed from this agenda for separate discussion by a Council member.

- 4.1. Consider approving city council meeting minutes for January 5, 2016 (City Secretary, Wilson)
- 4.2. Consider approving city council expenditures for November 2015 (Council)
- 4.3. Consider approving a resolution authorizing the city manager to execute a contract amendment in the amount of \$71,032.79 with Mario Sinacola & Sons Excavating, Inc. for Construction of Phase 2 of the South Colony Boulevard Grade Separation at the Sam Rayburn Tollway/SH 121 (Engineering, Scruggs)

5.0. REGULAR AGENDA ITEMS

- 5.1. Discuss and consider a request from the Mothers Opposing Bullying organization to receive a portion of the gate fees at Stewart Creek Park to help offset their costs to conduct their event at the park on April 2nd, 2016 (PARD, Nelson)
- 5.2. Discuss and consider approving an ordinance amending the Code of Ordinances, Chapter 19, by adding Section 19-27, entitled "Use of Wireless Communication Devices in a Construction or Maintenance Work Zone" (General Admin, Shallenburger)
- 5.3. Discuss and consider approving an ordinance amending the Code of Ordinances by repealing in its entirety and replacing Chapter 15, Sections 15-1 to 15-12, entitled "Peddlers and Solicitors" (Police, Coulon)
- 5.4. Discuss and consider approving a resolution authorizing the city manager to execute a contract amendment with VRX, Inc. for Construction Management Services for Phase 2 of the South Colony Boulevard Grade Separation at the Sam Rayburn Tollway/SH 121 (Engineering, Scruggs)

6.0. EXECUTIVE SESSION

- 6.1.
 - A. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney regarding a contract with Atlantic Hotels.
 - B. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to see legal advice from the city attorney regarding a Hawaiian Falls Waterpark Ground lease Operating Agreement and related documents.

C. Council shall convene into a closed executive session pursuant to Section 551.074 of the TEXAS GOVERNMENT CODE to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of Municipal Court Alternate Judge(s).

D. Any action as a result of executive session.

Pursuant to the Texas Open Meeting Act, Government Code Chapter 551 one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 and Section 551.074 arising out of the attorney's ethical duty to advise the city concerning legal issues arising from an agenda item. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.

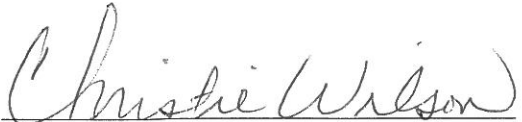
ADJOURNMENT

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact the City Secretary's Office, at 972-624-3105 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 p.m. on the 14th day of January, 2016.




Christie Wilson, TRMC, City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Recognize TCHS National Art Honor Society Students for their work on a mural at The Colony Recreation Center (PARD, Swain)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Receive presentation from Parks and Recreation regarding upcoming events and activities (PARD, Stansell)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Receive presentation and discuss Fire Department facilities, personnel and equipment needs (Fire, Thompson)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Council to provide direction to staff regarding future agenda items (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Consider approving city council meeting minutes for January 5, 2016 (City Secretary, Wilson)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
Meeting Minutes



**MINUTES OF COUNCIL REGULAR SESSION
HELD ON
JANUARY 5, 2016**

The Regular Session of the City Council of the City of The Colony, Texas, was called to order at 6:30 p.m. on the 5th day of January, 2016, at City Hall, 6800 Main Street, The Colony, Texas, with the following roll call:

Joe McCourry	Mayor	Present
Kirk Mikulec	Mayor Pro-Tem	Present
Richard Boyer	Councilmember	Present
Brian R. Wade	Councilmember	Present
David Terre	Councilmember	Present
Perry Schrag	Councilmember	Present
Joel Marks	Councilmember	Present

And with seven council members present a quorum was established and the following items were addressed:

1.0. ROUTINE ANNOUNCEMENTS, RECOGNITIONS AND PROCLAMATIONS

- 1.1. Call to Order
- 1.2. Invocation- *First Baptist Church*
- 1.3. Pledge of Allegiance to the United States Flag
- 1.4. Salute to the Texas Flag
- 1.5. Introduction of New Shelter Manager and Animal Control Board Members (Councilmember Terre) *Councilmember Terre introduced Mark Cooper as the new Shelter Manager and Asst. Police Chief Chris Chandler as another new member on the Shelter Advisory Board.*
- 1.6. Items of Community Interest- *None*
- 1.6.1. Presentation from the Library Director regarding current and upcoming programs, events, and service improvements (Library, Sveinsson)

2.0. WORK SESSION - The Work Session is for the purpose of exchanging information regarding public business or policy. No action is taken on Work Session items. Citizen input will not be heard during this portion of the agenda.

- 2.1. Discuss possible locations for the Metro Relief Community Garden (General Admin,

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Perez)

Joe Perez explained that previously the city had given a grant to Metro Relief to enlarge the Community Garden and since that time, Metro Relief has moved to another location where there is no space for the garden. The city was contacted for assistance in locating a space for the garden. Joe presented two possibilities – one behind the current Denton County Government Center (now city owned property) and a second on the BB Owen Elementary School property. After a brief discussion the council advised that the city property site would be the best location and authorized use of the space for the project. A lease agreement will be drafted for approval.

- 2.2. Discuss and provide direction to staff regarding the revisions to the solicitor ordinance (Police, Coulon)
Police Chief David Coulon reviewed the current solicitor ordinance and his proposed changes for a stricter approval process. Council advised to change the authorized times for solicitation to be from 9 a.m. to sunset and bring back an ordinance for consideration.
- 2.3. Discuss and provide direction to staff regarding a possible ordinance relating to cell phone use while driving (General Admin, Shallenburger)
Brant Shallenburger presented information on a potential ordinance regarding cell phone use in construction zones. He stated it would be modeled after the ordinance prohibiting cell phone use in school zones and asked if council desires to proceed. Council advised him to bring back an ordinance for consideration.
- 2.4. Council to provide direction to staff regarding future agenda items (Council) *None requested.*

CITIZEN INPUT

3. CITIZEN INPUT - This portion of the meeting is to allow up to five (5) minutes per speaker with a maximum of thirty (30) minutes for items not posted on the current agenda. The council may not discuss these items, but may respond with factual data or policy information, or place the item on a future agenda. Those wishing to speak shall submit a Request Form to the City Secretary. *No speakers.*
- 4.0. ***CONSENT AGENDA*** - The Consent Agenda contains items which are routine in nature and will be acted upon in one motion. Items may be removed from this agenda for separate discussion by a Council member.
 - 4.1. Consider approving city council meeting minutes for December 15, 2015 (City Secretary, Wilson)
 - 4.2. Consider ratifying Denton County's appointments to Places 8 and 9 of the Tax Increment Reinvestment Zone Number One Board of Directors for 2016-17 (Council)
 - 4.3. Consider approving a resolution authorizing the city manager to execute a contract amendment with Half Associates, Inc. for review of Development Construction Plans (Engineering, Scruggs)

-
- 4.4. Consider approving a resolution authorizing the city manager to execute an engineering services contract with Kimley-Horn and Associates, Inc. for the purpose of updating the Roadway Impact Fee Study, and approve an ordinance amending the 2015-16 Roadway Impact Fees budget (Engineering, Scruggs)
- 4.5. Consider approving a resolution authorizing the city manager to execute an engineering services contract with Kimley-Horn and Associates, Inc. for the purpose of updating the Drainage Impact Fee Study, and approve an ordinance amending the 2015-16 Drainage Impact Fee budget (Engineering, Scruggs)

Motion to approve- Schrag; second by Mikulec; motion passed with all ayes.

5.0. REGULAR AGENDA ITEMS

- 5.1. Discuss and consider an ordinance approving a Development Plan for Austin Waters Amenity Center. A 2,225 square foot facility with associated open spaces, located on 2600 Barton Creek Boulevard within Austin Waters subdivision, in Austin Ranch Planned Development (PD-22) zoning district (Development Services, Joyce)
Mike Joyce reviewed the location, elevations, landscape, and parking for this project. The Planning and Zoning Commission recommended approval.

Motion to approve- Schrag; second by Mikulec; motion passed with all ayes.

- 5.2. Discuss and consider approving an ordinance amending the Code of Ordinances, Chapter 18, Section 18-24(10) entitled "Construction and Maintenance," to require the burying of wires and cables in public right-of-ways within ten (10) days (Development Services, Joyce)
Mike Joyce reviewed the proposed changes to require cables be buried within 10 days (on public property) as previously requested by council.

Motion to approve- Boyer; second by Marks; motion passed with all ayes.

- 5.3. Conduct a public hearing, discuss and consider an ordinance amending the Code of Ordinances, Appendix A, Section 10B-1100, entitled "Standards for Swimming Pools and Hot Tubs," by adding a new subsection (i) to address the demolition of swimming pools and hot tubs (General Admin, Perez)
Joe Perez reviewed the proposed changes to the Code of Ordinances that establish regulations for swimming pool demolition as requested by council. The public hearing was opened and closed at 7:50 p.m. with no one wishing to speak.

Motion to approve- Terre; second by Wade; motion passed with all ayes.

- 5.4. Discuss and consider approving a city council meeting schedule for 2016 (City Council)
Following council discussion it was determined that one change to the regular schedule for 2016 be made.

Motion to approve the schedule with one change for the first August meeting to Monday, August 1st- Schrag; second by Wade; motion passed with all ayes.

Executive session was convened at 8:00 p.m.

6.0. EXECUTIVE SESSION

- 6.1. A. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney regarding a contract with Atlantic Hotels.
- B. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to consult with the city attorney regarding an agreement with the Texas Department of Transportation (TxDOT) and the City of The Colony concerning construction of utilities on FM 423.
- C. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to consult with the city attorney regarding magistration of prisoners, setting of bonds, and personal recognizance bond issues.

Open session was reconvened at 9:20 p.m.

Item A- Motion to authorize the city attorney to send a letter to Atlantic Hotels consistent with the terms of the real estate contract- Marks; second by Mikulec; motion passed with all ayes except for Wade who abstained.

No action on Items B. or C.

And with no further business to discuss the meeting was adjourned at 9:21 p.m.

APPROVED:

Joe McCourry, Mayor
City of The Colony

ATTEST:

Christie Wilson, TRMC
City Secretary

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Consider approving city council expenditures for November 2015 (Council)

Background:

Purpose:

Issues:

Alternatives:

Recommendations:

Attachments:
November Expenses

Memo

To: Members of the City Council
From: Christie Wilson, City Secretary 
Date: December 30, 2015
Re: Council Expenditures for approval

Pursuant to your policy, below are charges from the month of November 2015 for your review and approval. Report is attached.

Mayor- data plan for iPad	30.50
Mayor cell phone-	118.96
Cake for council reception	90.00
Food for council meetings	285.39
SPAN Charges for October	11,149.62
Total	\$11,674.47

CITY OF THE COLONY
FINANCIAL STATEMENT
AS OF: NOVEMBER 30TH, 2015

100-GENERAL FUND
623 - CITY COUNCIL
DEPARTMENTAL EXPENDITURES

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
61-PERSONNEL SERVICES							
623-6112 SALARIES, PART-TIME	8,400.00	0.00	0.00	0.00	0.00	8,400.00	100.00
623-6115 SOCIAL SECURITY TAXES	672.00	0.00	0.00	0.00	0.00	672.00	100.00
623-6118 UNIFORMS	200.00	0.00	0.00	0.00	0.00	200.00	100.00
623-6125 EDUCATION & TRAINING	500.00	0.00	0.00	0.00	0.00	500.00	100.00
623-6126 TRAVEL EXPENSE	2,400.00	0.00	0.00	0.00	0.00	2,400.00	100.00
TOTAL 61-PERSONNEL SERVICES	12,172.00	0.00	0.00	0.00	0.00	12,172.00	100.00
62-CONTRACTUAL SERVICES							
623-6235 PRINTING SERVICES	100.00	0.00	0.00	0.00	0.00	100.00	100.00
623-6244 TELEPHONE SERVICE	2,000.00	149.46	0.00	268.42	0.00	1,731.58	86.58
TOTAL 62-CONTRACTUAL SERVICES	2,100.00	149.46	0.00	268.42	0.00	1,831.58	87.22
63-SUPPLIES							
623-6390 MISCELLANEOUS SUPPLIES	3,800.00	375.39	0.00	375.39	0.00	3,424.61	90.12
TOTAL 63-SUPPLIES	3,800.00	375.39	0.00	375.39	0.00	3,424.61	90.12
64-MAINTENANCE							
66-CAPITAL OUTLAY							
67-OVERHEAD ALLOCATION							
68-SUNDRY CHARGES							
623-6845 GENERAL GOVERNMENT	124,377.00	11,149.62	0.00	11,149.62	0.00	113,227.38	91.04
TOTAL 68-SUNDRY CHARGES	124,377.00	11,149.62	0.00	11,149.62	0.00	113,227.38	91.04
TOTAL 623 - CITY COUNCIL	142,449.00	11,674.47	0.00	11,793.43	0.00	130,655.57	91.72

12-29-2015 11:37 AM
 FUND : 100-GENERAL FUND
 DEPT : 23 CITY COUNCIL
 POST DATE TRAN # REFERENCE PACKET=====DESCRIPTION===== VEND INV/PO/JE # NOTE =====AMOUNT===== BALANCE=====

DETAIL LISTING
 ACTIVE ACCOUNTS ONLY
 PERIOD TO USE: Nov-2015 THRU Nov-2015
 ACCOUNTS: 600-6000-0000 THRU 699-6999-9999

PAGE: 19

623-6244

TELEPHONE SERVICE

BEGINNING BALANCE

118.96

11/05/15 12/08 B65360 Misc 000000 08761 AT&T DATA PLAN FOR IPAD JE# 051748 30.50 ✓ 149.46
 11/18/15 12/03 A17106 CHK: 142265 09730 AT&T MOBILITY 114320 118.96 ✓ 268.42
 AT&T MOBILITY INV# 201512027336 /PO#
 ===== NOVEMBER ACTIVITY DB: 149.46 CR: 0.00 149.46

623-6390

MISCELLANEOUS SUPPLIES

BEGINNING BALANCE

0.00

11/05/15 12/08 B65360 Misc 000000 08761 ZAXBY'S JE# 051748 118.89 ✓ 118.89
 11/05/15 12/08 B65360 Misc 000000 08761 CHICK FIL A JE# 051748 166.50 ✓ 285.39
 11/24/15 11/24 A16801 CHK: 142143 09722 ANGIE HAMOUS 120960 90.00 ✓ 375.39
 ANGIE HAMOUS INV# 1017 /PO#
 ===== NOVEMBER ACTIVITY DB: 375.39 CR: 0.00 375.39

623-6845

GENERAL GOVERNMENT

BEGINNING BALANCE

0.00

11/01/15 12/10 A17562 CHK: 142473 09741 SPAN 3251 11,149.62 ✓ 11,149.62
 SPAN INV# 716 /PO#
 ===== NOVEMBER ACTIVITY DB: 11,149.62 CR: 0.00 11,149.62

JPMORGAN CHASE BANK NA
PO BOX 15918
MAIL SUITE DE1-1404
WILMINGTON DE 19850

ACCOUNT NUMBER

STATEMENT DATE 11-05-15

NET CHARGES \$30.50

18453090 - 004710 - 0001 - 0001 - 2
10-26 10-25 55480775298002112679094
JOSEPH M MCCOURRY
M0611 COTC COUNCIL
6800 MAIN STREET
THE COLONY TX 75056-1133
**N0003271

FOR RECONCILIATION PURPOSES ONLY. DO NOT SEND PAYMENT.

NAME: JOSEPH M MCCOURRY

CYCLE LIMIT: \$3,000

ACCOUNTING CODE:

CARDHOLDER ACTIVITY

Telecommunication Activity

Post Date	Tran Date	Reference Number	Transaction Description	Amount
10-26	10-25	55480775298002112679094	AT&T DATA 08003310500 GA	30.50
Total Miscellaneous Activity				30.50

FOR CUSTOMER SERVICE CALL:
1-800-316-6056FOR LOST/STOLEN CARDS CALL:
1-800-316-6056FOR TTY/TDD SERVICE CALL:
1-800-955-8060

ACCOUNT NUMBER

ACCOUNT SUMMARY

STATEMENT DATE:
11/05/15PURCHASES &
OTHER CHARGES 30.50

CASH ADVANCES .00

CREDITS .00

CASH ADVANCE FEE .00

NET CHARGES \$30.50

DISPUTE AMOUNT .00

SEND BILLING INQUIRIES TO:
JPMORGAN CHASE BANK NA
COMMERCIAL CARD SOLUTIONS
P.O. BOX 2015
MAIL SUITE IL1-6225
ELGIN, IL 60121



CITY OF THE COLONY
ATTN: CHRISTIE WILSON
6800 MAIN ST
THE COLONY, TX 75056-1133

Page: 1 of 3
Bill Cycle Date: 10/19/15 - 11/18/15
Account: -
Foundation Account: FAN 02296560
Invoice: 287242020808X11262015

Visit us online at: www.att.com/business

Wireless Statement

Bill-At-A-Glance

Previous Balance	\$118.96
Payment - 11/10 - Thank You!	\$118.96CR
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$118.96

Total Amount Due \$118.96

Amount Due in Full by Dec 13, 2015

Service Summary

Service	Page	Total
Wireless		\$118.96
469 999-3343 \$118.96	2	
Total New Charges		\$118.96

Manage Your Account:

Online: att.com/myatt
Mobile App: att.com/myattapp
Support: 800 331-0500 or 611 from your mobile device
TTY: 866 241-6567



For Important Information about your bill, please see the **News You Can Use** section (Page 2).

Add cheer. \$0 down.*
The new Samsung Galaxy Note5.

*Req's AT&T Next™, well-qualified credit & elig. svc.

Add a line today with AT&T Next

Visit att.com/addtoday

Go to an AT&T store

Call 877.981.7155



Specimen Galaxy Note5

Tax due at sale. Activ./upgrade fee may apply. If svc cancelled, remaining balance due. AT&T Next™: \$0 down req's elig. installment agmt. Down payment option avail. Service: Voice & data are req'd & add'l. Deposit may be req'd. Subj. to Wireless Customer Agmt. Activ./Upgrade (\$15), restocking & other fees, monthly & other charges & restr's apply. Subject to change. Visit att.com/next for details.

Wireless

Group 2 Usage Summary - Oct 19 thru Nov 18

FamilyTalk Nation 1400 with Rollover - Includes \$9.99 Each Additional Line, 1,400 Shared Anytime Minutes with Rollover, Nationwide Long Distance & Roaming, Unlimited Mobile to Mobile calling to/from other AT&T Mobiles, Unlimited Night (9pm-6am) & Weekend calling, Call Forward Feature, Caller ID, Call Wait, Conference Call Feature, Mobile Purchases & Downloads Detail, Basic Voice Mail Feature, (Additional Minutes \$0.40 each).

Family Messaging Unlimited with Mobile to Any Mobile Calling

- Includes Unlimited domestic text, picture, video and instant messages and unlimited calling to/from any other domestic mobile phone.

	Plan Minutes	M2M Minutes	N&W Minutes
469 999-3343	74	165	1
Total	74	165	1

Rollover Minutes Summary

Last Month's Rollover Balance	14,504
Current Month Added to Rollover	+ 1,326
Expired Rollover Minutes *	- 1,337
NEW ROLLOVER MINUTES BALANCE	14,493

* Unused Rollover Minutes expire after 12 bill periods.



CITY OF THE COLONY
ATTN: CHRISTIE WILSON
6800 MAIN ST
THE COLONY, TX 75056-1133

Page: 2 of 3
Bill Cycle Date: 10/19/15 - 11/18/15
Account: -----
Foundation Account: FAN 02296560
Invoice: 287242020808X11262015

Visit us online at: www.att.com/business



Wireless - Continued

Messages

469 999-3343	61
Total	61



469 999-3343
CITY OF THE COLONY

DataPro 2GB for iPhone on 4G LTE with Visual Voicemail -
Includes 2 gigabytes of domestic data usage, \$10 each additional 1 gigabyte of data usage. Unlimited data usage on the AT&T Wi-Fi Basic network. Video calling and Visual Voicemail available with compatible devices.

Monthly Charges - Oct 19 thru Nov 18

1. FamilyTalk Nation 1400 with Rollover	80.00
2. Family Messaging Unlimited with Mobile to Any Mobile Calling	30.00
3. DataPro 2GB for iPhone on 4G LTE with Visual Voicemail	25.00
4. National Account Discount	27.30CR
Total Monthly Charges	107.70

Other Charges and Credits

Voice Usage Summary

FamilyTalk Nation 1400 with Rollover

Total Minutes Used	74
Plan Minutes	1,400
Mobile to Mobile Minutes	Unlimited
Minutes Used	0
Night & Weekend Minutes	Unlimited
Minutes Used	1

Unlimited Mobile to Any Mobile	Unlimited
Minutes Used	165

Data Usage Summary

Messaging Unlimited	Unlimited
Used	61

2GB DATA

Plan MB	2,048
MB Used	43

1 Gigabyte (GB) = 1024MB, 1 Megabyte (MB) = 1024KB

Other Charges and Credits - Continued

Surcharges and Other Fees

5. Federal Universal Service Charge	3.22
6. State Cost-Recovery Fee	0.28
7. Texas Universal Service	1.32
Total Surcharges and Other Fees	4.82

Government Fees and Taxes

8. 9-1-1 Service Fee	0.50
9. 911 Equalization Surcharge	0.06
10. TX State Sales Tax - Telecom	5.88
Total Government Fees and Taxes	6.44

Total Other Charges & Credits 11.26

Total for 469 999-3343 118.96

Total for Wireless accounts 118.96

News You Can Use

GET MORE CONNECTED THIS FALL

Add a line this fall to make more connections with your favorite people on the hottest devices from AT&T. The Samsung Galaxy Note5 features an S Pen that's great for quickly jotting down notes and a 5.7" Quad HD Super AMOLED display that makes your documents, images and videos pop. The HTC One(R) M9 offers a super-sharp camera and HTC BoomSound technology provides ground-shaking sound. To add a line of service, visit www.att.com/addaline or call 800-449-1672 today.

911 TTY CALLS WITH WI-FI CALLING

Wi-Fi Calling will not support 911 TTY calls. Instead dial 911 directly using TTY from a landline phone or wireless phone on a cellular network; text-to-911 directly where available; or call 911 via relay service using TTY or IP CTS from a landline phone or wireless phone on a cellular network or using IP Relay or IP CTS from an IP capable device. Visit www.att.com/wificalling for more information.

OUTFIT YOUR PHONE AND MORE

From stylish cases and smartwatches to activity trackers, visit www.att.com/outfit to discover the latest today.

PRIVACY NOTICE

For customers with an AT&T Next installment agreement, federal law requires us to tell you how we collect, share, and protect your personal information. Our privacy policy has not





4842 Main Street
The Colony, TX 75056

114 Online 0

Page 2

Chk 7111

Oct06'15 11:18AM

Online Order

XXXXXXXXXXXX4015

M/C	118.89
Subtotal	109.83
Tax	9.06
Payment	118.89

-----115 Check Closed-----

-----Oct06'15 12:16PM-----

Thank you! Please come again!

Your check # is
11

You could WIN!

Receive 10 CHANCES to

WIN

\$1,000 DAILY

Plus other great

INSTANT PRIZES*

by completing our

Guest Satisfaction Survey at

www.myzaxbysvisit.com

*****SURVEY ENTRY CODE*****

31fddrd3c7gv1

Complete rules, eligibility

and sweepstakes period at

www.myzaxbysvisit.com

*Average retail value of

instant prizes is \$1,000

weekly. No purchase/survey

required to enter Sweepstakes

sponsored by Emulphra Inc.

across multiple clients.

Welcome to Chick-fil-A
The Colony FSU (#00774)
The Colony, TX
(972) 370-2760

Operator: Warren Leonhardi
CUSTOMER COPY

**** DUPLICATE RECEIPT ****

10/20/2015 4:30:35 PM

PICKUP

Order Number: 3081083

Guest: Tina Stewart

Phone 9726243100

Promised Time: 10/20/2015 2:26 PM

1	Nugget Tray LG	69.50
2	+ 8oz Hny Must	
1	Wrap/CSS Tray LG	56.50
5	+ Avo Ranch	
5	+ Ranch	
1	Ck Tray 12ct	14.50
1	Frt Tray SM	26.00

Sub. Total: \$166.50

Tax: \$0.00

Total: \$166.50

Change \$0.00

MasterCard: \$166.50

Register:4 Tran Seq No: 3081083

Cashier:Mandy

It was our pleasure serving you!

Have a wonderful day.

MasterCard

Card Num : XXXXXXXXXXXX4015

Terminal : KA13521747004

Approval : 010034

Sequence : 061507

I agree to pay the above Total Amount
according to Card Issuer Agreement.

Signature: _____

**ANGIE HAMOUS**

Creative Cakes & Confections

4249 Keys Drive

The Colony, TX 75056

972-625-3707 or cell: 214-718-9618

YourCakeLady.com - Facebook/Your Cake Lady

email: jach@swbell.net

Customer Information

Christie Wilson
 City of The Colony
 Main Street
 The Colony TX 75056
 972-624-3106
 cwilson@thecolonytx.gov

Order Number 1017
 Due Date Tuesday, December 1, 2015 5:00 PM
 Next Payment Tuesday, December 1, 2015

Notes and Details

1/2 butter flavor -

1/2 butter fudge flavor

City Logo

Description	Number of Servings	Price Per Serving	Calculated Price
Full Sheet	1	\$80.00	\$80.00
Custom Design	1	\$10.00	\$10.00

Billing Summary

Total \$90.00

Amount Paid \$0.00

Grand Total \$90.00

Accepted forms of payment:
 Cash or checks made payable to:
 ANGIE HAMOUS

Amount Due \$90.00

*Cake for
 Council Reception*

23-6390

CITY OF THE COLONY

PAYMENT AUTHORIZATION

PAY TO:	<u>SPAN, INC</u>	FUND:	<u>General Gov.</u>
	<u>1800 Malone St</u>		
	<u>Denton, TX 76201</u>	ACCOUNT	AMOUNT
		NUMBER	
		<u>100-623-6845</u>	<u>11,149.62</u>

JUSTIFICATION:

Trips to The Colony Senior
Center
Trips for demand response
in The Colony

RECEIVED

DEC 04 2015

FINANCE DEPARTMENT

12/4/15
DATE

TOTAL \$ 11,149.62

Manager/Supervisor

Department Head

Purchasing Agent

NOTE:	\$0.01 - \$2,999	Department Manager Approval
	\$3,000 - \$49,999	Department Manager and Director Approval
	\$50,000 and over	Purchasing Agent with proper approval (I.e. City Council, Interlocal Agmt., etc.)

The Invoice must be signed by the Department Director and attached to the Payment Authorization

INVOICE	INV000716
Type	
Date	10/31/2015
Page	1

City of The Colony
5151 N. Colony Blvd.
The Colony TX 75056

	Customer ID			Payment Terms ID
	COLONY		GROUND	Net 30
Quantity	Description	UNITS	Unit Price	Ext. Price
246	Trips to The Colony Senior Center	Each	\$0.00	\$3,163.58
621	Trips for Demand Response in The Colony	Each	\$0.00	\$7,986.06
			Subtotal	\$11,149.62
			Misc	\$0.00
			Tax	\$0.00
			Freight	\$0.00
			Trade Discount	\$0.00
			Total	\$11,149.62

Client #	Service	Street #	Street Name	Unit #	Residence	Zip	Destination	Street #	Street Name	Zip Code	Trip Count
1464	COUNTY	5900	LONGO ST		THE COLONY	75056	LEWISVILLE	103	KATHRYN DR		16
1464	COUNTY	5900	LONGO ST		THE COLONY	75056	THE COLONY	5900	LONGO ST	75056	16
1751	COUNTY	4508	LAKECREST DR		THE COLONY		LEWISVILLE	2680	DENTON TAP	75067	10
1751	COUNTY	4508	LAKECREST DR		THE COLONY		THE COLONY	4508	LAKECREST DR		10
1751	COUNTY	4508	LAKECREST DR		THE COLONY		LEWISVILLE	2680	DENTON TAP	75067	2
1751	COUNTY	4508	LAKECREST DR		THE COLONY		THE COLONY	4508	LAKECREST DR		2
1751	COUNTY	4508	LAKECREST DR		THE COLONY		LEWISVILLE	2680	DENTON TAP	75067	2
1751	COUNTY	4508	LAKECREST DR		THE COLONY		THE COLONY	4508	LAKECREST DR		2
13632	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	75056	LEWISVILLE	103	KATHRYN DR		9
13632	COUNTY	5613	GREEN HOLLOW LN		THE COLONY	75056	LEWISVILLE	328	W MAIN ST		9
14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	75056	LEWISVILLE	1960	ARCHER AVE	75056	8
14063	COUNTY	4605	W LAKE HIGHLANDS RD		THE COLONY	75056	THE COLONY	4605	W LAKE HIGHLANDS RD	75056	8
14350	COUNTY	4601	CARR ST		THE COLONY	75056	THE COLONY	4601	CARR ST	75056	11
17801	COUNTY	5548	ROCKWOOD DR		THE COLONY		LEWISVILLE	303	KATHRYN DR		16
17801	COUNTY	5548	ROCKWOOD DR		THE COLONY		THE COLONY	5548	ROCKWOOD DR	75056	16
19384	COUNTY	5229	KNOX DR		THE COLONY	75056	LEWISVILLE	1960	ARCHER AVE	75056	20
19384	COUNTY	5229	KNOX DR		THE COLONY	75056	THE COLONY	5229	KNOX DR	75056	20
20022	COUNTY	3916	OAKMONT		THE COLONY	75056	THE COLONY	4675	ST HWY 121		10
20467	COUNTY	5001	N COLONY BLVD		THE COLONY	75056	LEWISVILLE	1960	ARCHER AVE	75056	19
20467	COUNTY	5001	N COLONY BLVD		THE COLONY	75056	THE COLONY	5001	N COLONY BLVD	75056	19
20966	COUNTY	5220	COLE DR		THE COLONY	75056	CARROLLTON	1717	W FRANKFORD RD	75007	1
20966	COUNTY	5220	COLE DR		THE COLONY	75056	THE COLONY	5220	COLE DR	75056	1
21088	COUNTY	6245	MORNING STAR DR	419	THE COLONY		THE COLONY	6245	MORNING STAR DR		1
21271	COUNTY	6245	MORNING STAR DR	410	THE COLONY		PLANO	6309	W PARKER		1
21271	COUNTY	6245	MORNING STAR DR	410	THE COLONY		THE COLONY	6245	MORNING STAR DR		1
21275	COUNTY	6004	MAYES DR		THE COLONY		THE COLONY	3805	MAIN ST	75056	6
21275	COUNTY	6004	MAYES DR		THE COLONY		THE COLONY	6004	MAYES DR		12
21282	COUNTY	4400	HALE ST		THE COLONY	75056	LEWISVILLE	2702	LAKE VISTA DR		2
21282	COUNTY	4400	HALE ST		THE COLONY	75056	THE COLONY	4400	HALE ST	75056	2
22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	75056	LEWISVILLE	200	S MILL ST	75067	2
22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	75056	THE COLONY	5620	S COLONY BLVD	75056	2
22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	75056	LEWISVILLE	200	S MILL ST	75067	6
22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	75056	THE COLONY	5620	S COLONY BLVD	75056	6
22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	75056	LEWISVILLE	200	S MILL ST	75067	3
22551	COUNTY	5620	S COLONY BLVD	115	THE COLONY	75056	THE COLONY	5620	S COLONY BLVD	75056	3
24098	COUNTY	6245	MORNINGSTAR	227	THE COLONY		CARROLLTON	2117	E ROSEMEADE PKY	75007	1
24098	COUNTY	6245	MORNINGSTAR	227	THE COLONY		THE COLONY	6245	MORNINGSTAR		1
24098	COUNTY	6245	MORNINGSTAR	227	THE COLONY		LITTLE ELM	2833	E ELDORADO PKWY	75068	2
24098	COUNTY	6245	MORNINGSTAR	227	THE COLONY		THE COLONY	6245	MORNINGSTAR		2
24153	COUNTY	6245	MORNING STAR DR	210	THE COLONY		THE COLONY	4691	ST HWY 121	75056	1
24153	COUNTY	6245	MORNING STAR DR	210	THE COLONY		THE COLONY	6245	MORNING STAR DR		1
24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	75056	LEWISVILLE	4620	STATE HWY 121		1
24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	75056	THE COLONY	4691	ST HWY 121	75056	2
24508	COUNTY	6245	MORNINGSTAR	129	THE COLONY	75056	THE COLONY	6245	MORNINGSTAR	75056	3
24582	COUNTY	6245	MORNINGSTAR DR	329	THE COLONY	75056	DENTON	1225	WILSON ST	76205	1
24582	COUNTY	6245	MORNINGSTAR DR	329	THE COLONY	75056	THE COLONY	6245	MORNINGSTAR DR	75056	1
24582	COUNTY	6245	MORNINGSTAR DR	329	THE COLONY	75056	LEWISVILLE	475	ELM	75067	1
24582	COUNTY	6245	MORNINGSTAR DR	329	THE COLONY	75056	THE COLONY	6245	MORNINGSTAR DR	75056	1
26205	COUNTY	4913	WAGNER DR		THE COLONY		CARROLLTON	4333	N JOSEY LN		1
26205	COUNTY	4913	WAGNER DR		THE COLONY		THE COLONY	4913	WAGNER DR		1
26249	COUNTY	5225	ARBOR GLEN		THE COLONY	75056	LEWISVILLE	415	S GARDEN RIDGE BLVD		2
26249	COUNTY	5225	ARBOR GLEN		THE COLONY	75056	LEWISVILLE	400	N GARDEN RIDGE BLVD		1
26249	COUNTY	5225	ARBOR GLEN		THE COLONY	75056	THE COLONY	5225	ARBOR GLEN	75056	4
26332	COUNTY	6245	MORNING STAR DR	311	THE COLONY		PLANO	6134	W PARKER RD		1
26332	COUNTY	6245	MORNING STAR DR	311	THE COLONY		THE COLONY	6245	MORNING STAR DR		1
26340	COUNTY	4777	MEMORIAL DR	1141	THE COLONY		THE COLONY	4777	MEMORIAL DR		1
26340	COUNTY	4777	MEMORIAL DR	1141	THE COLONY		THE COLONY	5740	N COLONY BLVD		1
26562	COUNTY	4777	MEMORIAL DR	1032	THE COLONY		THE COLONY	4777	MEMORIAL DR		2
26596	COUNTY	5333	YOUNG DR		THE COLONY		CARROLLTON	2008	E HEBRON PKWY	75007	1
26596	COUNTY	5333	YOUNG DR		THE COLONY		LEWISVILLE	190	CIVIC CIRCL	75067	1
26596	COUNTY	5333	YOUNG DR		THE COLONY		LEWISVILLE	328	W MAIN ST		1
26596	COUNTY	5333	YOUNG DR		THE COLONY		THE COLONY	5333	YOUNG DR		3
26596	COUNTY	5333	YOUNG DR		THE COLONY		THE COLONY	4691	ST HWY 121	75056	2
26596	COUNTY	5333	YOUNG DR		THE COLONY		THE COLONY	5333	YOUNG DR		2
26598	COUNTY	5905	FOX DR		THE COLONY		CARROLLTON	3044	OLD DENTON RD		1
26598	COUNTY	5905	FOX DR		THE COLONY		THE COLONY	5905	FOX DR		1
26669	COUNTY	5289	STATE HWY 121	3041	THE COLONY	75056	DENTON	2609	SCRIPTURE ST		1
26669	COUNTY	5289	STATE HWY 121	3041	THE COLONY	75056	THE COLONY	5289	STATE HWY 121	75056	1
26670	COUNTY	4625	CHAPMAN ST		THE COLONY		THE COLONY	4625	CHAPMAN ST		1
26765	COUNTY	3732	RED OAK TRI		THE COLONY		FRISCO	11999	DALLAS PKY		17
26780	COUNTY	4526	NERVIN ST		THE COLONY		THE COLONY	4526	NERVIN ST		2
26780	COUNTY	4526	NERVIN ST		THE COLONY		THE COLONY	4526	NERVIN ST		7
26780	COUNTY	4526	NERVIN ST		THE COLONY		THE COLONY	4526	NERVIN ST		7
26846	COUNTY	6245	MORNING STAR DR	202	THE COLONY		CARROLLTON	4333	N JOSEY LN	75007	1
26846	COUNTY	6245	MORNING STAR DR	202	THE COLONY		THE COLONY	6245	MORNING STAR DR		1
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	75056	LEWISVILLE	2700	VILLAGE PKY		7
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	75056	THE COLONY	6245	MORNING STAR DR		1
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	75056	THE COLONY	6245	MORNING STAR DR	75056	6
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	75056	LEWISVILLE	2700	VILLAGE PKY		2
27010	COUNTY	6245	MORNING STAR DR	310	THE COLONY	75056	THE COLONY	6245	MORNING STAR DR	75056	2
27013	COUNTY	5225	ARBOR GLEN RD		THE COLONY		THE COLONY	5225	ARBOR GLEN RD		1
27044	COUNTY	6245	MORNING STAR DR	441	THE COLONY		THE COLONY	5297	HWY 121	75056	1
27044	COUNTY	6245	MORNING STAR DR	441	THE COLONY		THE COLONY	6245	MORNING STAR DR		1
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	THE COLONY	5313	S COLONY BLVD		4
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	Carrollton	4325	N Josey Ln	75007	1
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	THE COLONY	5301	SAGERS BLVD	75056	1
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	THE COLONY	5313	S COLONY BLVD		3
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	THE COLONY	4691	ST HWY 121	75056	3
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	THE COLONY	5301	SAGERS BLVD	75056	3
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	THE COLONY	4703	STATE HWY 121		3
27078	COUNTY	5301	SAGERS BLVD		THE COLONY	75056	THE COLONY	5301	SAGERS BLVD	75056	3
27213	COUNTY	6245	MORNING STAR DR		THE COLONY	75056	LEWISVILLE	1600	WATERS RIDGE DR	75067	6
27213	COUNTY	6245	MORNING STAR DR		THE COLONY	75056	THE COLONY	6245	MORNING STAR DR	75056	5
27213	COUNTY	6245	MORNING STAR DR		THE COLONY	75056	LEWISVILLE	1600	WATERS RIDGE DR	75067	4
27213	COUNTY	6245	MORNING STAR DR		THE COLONY	75056	THE COLONY	6245	MORNING STAR DR	75056	4
27428	COUNTY	5901	LEGEND LN		THE COLONY	75056	FLOWER MOUND	6101	MORRIS RD		17

27428	COUNTY	5901	LEGEND LN		THE COLONY	75056	LEWISVILLE	1960	ARCHER AVE			1
27428	COUNTY	5901	LEGEND LN		THE COLONY	75056	THE COLONY	5901	LEGEND LN	75056		16
27443	COUNTY	5616	PERRIN ST		THE COLONY	75056	THE COLONY	6805	F-M RD 423	75056		11
27502	COUNTY	6109	APACHE DR		THE COLONY	75056	THE COLONY	6109	APACHE DR	75056		3
27502	COUNTY	6109	APACHE DR		THE COLONY	75056	THE COLONY	6109	APACHE DR	75056		15
27502	COUNTY	6109	APACHE DR		THE COLONY	75056	THE COLONY	6109	APACHE DR	75056		1
27504	COUNTY	4618	LARNER ST		THE COLONY	75056	CARROLLTON	2008	E HEBRON PKWY	75007		1
27504	COUNTY	4618	LARNER ST		THE COLONY	75056	CARROLLTON	4525	N JOSEY LN			1
27504	COUNTY	4618	LARNER ST		THE COLONY	75056	PLANO	6300	W PARKER RD			1
27504	COUNTY	4618	LARNER ST		THE COLONY	75056	THE COLONY	4618	LARNER ST	75056		4
27504	COUNTY	4618	LARNER ST		THE COLONY	75056	THE COLONY	4897	ST HWY 121	75056		1
27508	COUNTY	5724	BAKER DR		THE COLONY	75056	LEWISVILLE	151	W CHURCH ST	75056		1
27508	COUNTY	5724	BAKER DR		THE COLONY	75056	THE COLONY	5724	BAKER DR	75056		1
27508	COUNTY	5724	BAKER DR		THE COLONY	75056	LEWISVILLE	1100	N KEALY AVE			11
27508	COUNTY	5724	BAKER DR		THE COLONY	75056	LEWISVILLE	151	W CHURCH ST	75056		7
27508	COUNTY	5724	BAKER DR		THE COLONY	75056	THE COLONY	5724	BAKER DR	75056		18
27528	COUNTY	4604	RED BUD CT		THE COLONY	75056	CARROLLTON	4240	INTERNATIONAL PKWY	75007		5
27528	COUNTY	4604	RED BUD CT		THE COLONY	75056	THE COLONY	4604	RED BUD CT	75056		4
27537	COUNTY	7080	FOX DR		THE COLONY	75056	FLOWERMOUND	4401	LONG PRAIRIE RD			1
27537	COUNTY	7080	FOX DR		THE COLONY	75056	LEWISVILLE	502	N VALLEY PKWY			1
27537	COUNTY	7080	FOX DR		THE COLONY	75056	THE COLONY	7080	FOX DR	75056		2
27563	COUNTY	5208	COLE DR		THE COLONY		THE COLONY	5208	COLE DR			3
11594	COUNTY	5124	STRICKLAND		THE COLONY	75056	CARROLLTON	1467	LEMAV ST	75007		22
11594	COUNTY	5124	STRICKLAND		THE COLONY	75056	THE COLONY	5124	STRICKLAND	75056		22
11671	COUNTY	4936	HACKNEY LN		THE COLONY	75056	THE COLONY	4691	ST HWY 121	75056		16
11671	COUNTY	4936	HACKNEY LN		THE COLONY	75056	THE COLONY	4936	HACKNEY LN	75056		17

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Consider approving a resolution authorizing the city manager to execute a contract amendment in the amount of \$71,032.79 with Mario Sinacola & Sons Excavating, Inc. for construction of Phase 2 of the South Colony Boulevard Grade Separation at the Sam Rayburn Tollway/SH 121 (Engineering, Scruggs)

Background:

The City entered in to an agreement for development of 431-acres south of SH 121 between Plano Parkway and Spring Creek. A traffic analysis of the site demonstrated the need for an interchange on the SRT at South Colony Blvd.

A conceptual design was developed by a team composed of representatives from the City, Developer, North Central Texas Council of Governments (NCTCOG), North Texas Tollway Authority (NTTA), Denton County, and Texas Department of Transportation (TxDOT). This interchange has South Colony Blvd. pass over the SRT, thereby, minimizing the downtime of the SRT main lanes for construction. A diverging diamond interchange was selected based on its lower cost and higher vehicle capacity.

Although the City had already made the decision to construct Phase 2 (the ramps from the bridge on to South Colony Blvd.), to meet the timeline for construction completion it was necessary to begin the Phase 1 project while Phase 2 was being designed. In August 2013, construction began on the Phase 1 bridge and it was opened to traffic in March 2015.

The Phase 2 construction began in March 2015 and will be open to traffic in February 2016.

The additional work includes storm drainage improvements, subgrade soil stabilization at retaining walls and surrounding select drill shafts, changes to the north signal on the bridge, and other changes. The additional cost is \$71,032.79 and will be 100% funded by Denton County Regional Toll Revenues (RTR) from the tolling of SH 121.

Purpose:

To approve a contract amendment with Mario Sinacola & Sons Excavating, Inc.

Issues:

Construction of Phase 2 began in March and will be open to traffic in February 2016.

Alternatives:

N/A

Recommendation:

Staff recommends approval of the contract amendment with Mario Sinacola & Sons Excavating, Inc.

Suggested motion: I move to recommend approval of the contract amendment with Mario Sinacola for \$71,032.79 for construction of Phase 2 of the South Colony Boulevard Grade Separation at the SRT.

FINANCIAL SUMMARY: (Leave blank if N/A)

Are budgeted funds available: ☒ Yes ☐ No Amount budgeted/available: \$4,902,863.79

Fund(s) (Name and number): 2014 COs, 4A Board, and RTR

Source of Funds: 2014 COs \$2,016,409, 4A Board \$2,815,422, & RTR \$71,032.79

Cost of recommended bid/contract award: \$71,032.79

Total estimated project cost:

\$ _____	Architecture/engineering	Already authorized	<input type="checkbox"/> Yes	<input type="checkbox"/> No
\$ <u>4,815,421.55</u>	Phase 2 Construction	Already authorized	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
\$ <u>71,032.79</u>	Phase 2 Contract Amendment	Already authorized	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
\$ _____	Other	Already authorized	<input type="checkbox"/> Yes	<input type="checkbox"/> No
\$ <u>4,886,454.34</u>	Total estimated costs			

Future Costs (if any): \$ _____ Revenue Generated: \$ _____

FISCAL IMPACT STATEMENT (Leave blank if N/A)

If this is a non-budgeted item, identify probable gain, loss, or cost for each of the next 3 years. Identify whether any cost will be incurred thereafter. Maintenance of the bridge is addressed in agreements with NTTA and TxDOT and the South Colony Blvd. ramps will be maintained by the City.

Attachments:

Contract Amendment

Location Map

Resolution

CHANGE ORDER #1
CITY OF THE COLONY
DENTON COUNTY, TEXAS
ENGINEERING DEPARTMENT
Proposed State Highway Improvement at
Phase 2 S. Colony Blvd.
City of the Colony

CONTRACT AMENDMENT – EXHIBIT “A”

DATE: December 4, 2015

Contract Amendment No. 1 to the Contract Dated February 3, 2015 between the City of The Colony (Owner) and Mario Sinacola & Sons Excavating, Inc (Contractor) as shown below.

Pursuant to the provisions of Texas Department of Transportation Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges 2004, Item 4, Special Provision 004-017, Article 4.4, this Supplemental Agreement, when fully executed, shall constitute the authority to change the work of the project as follows, including quantities and total dollars:

Contract Amendment Explanation:

- To add the revised waterline “B” plan sheet to add South Colony Boulevard stationing.
- To add items for relocating an existing fire hydrant that was in conflict with the proposed driveway.
- To add items and revised plan sheet to complete the new tie-in of the proposed sanitary sewer line. The line’s diameter increased in order to meet the required gradient design criteria for the actual field tie-in conditions. Also, a drop sanitary sewer manhole was added to connect the service line of the adjacent west property’s new construction.
- To add 48 inch RCP and a 6’ by 6’ junction box to allow the connection of the proposed storm sewer lines and construction of the intersection connecting the developer’s parking lots on both sides (east and west ROW). The junction box was not in place by others during the beginning of construction. This added work was necessary in order to prevent delays to the intersection construction and opening.
- To revise the storm sewer pipe and inlets as required for the retaining wall construction. The twenty foot long inlets were change to two ten foot inlets and the storm sewer pipe alignment was adjusted to take it out of the retaining wall’s reinforced zone.
- To add revised bridge layout, estimated quantities and bridge elevation sheets in order to correct the drill shaft quantities.
- To add TCP sheets to show the grade level intersection joining the east and west adjacent properties to South Colony Boulevard. This was necessary because the City requested before awarding the contract for the intersection to be construction immediately and open to traffic.
- To pothole the existing CoServ gas line in conflict with the drill shaft construction. The drill shaft for Bent #7 Column A was drilled by hand digging and setting a steel casing (about 10’ long) to protect the gas line during the drilling operations. This added work prevented delays to the bridge construction. CoServ will relocate the line to the correct location into the gas easement.

- To compensate the contractor for the force account work required in providing and installing geo-textile and geo-grid underneath the improved subgrade for the retaining wall and surrounding Abutment #9 drill shafts. This work was installed according to the geotechnical engineer's direction. This direction also required to adjust the excavation, embankment C4 and cemented treatment items for the retaining wall improved subgrade. The geotechnical engineer evaluated the improved subgrade area during excavation by the abutment and determined the existing soils would provide the necessary bearing for the retaining wall.
- To adjust the west driveway concrete item due to the City requesting stamped stained areas to be added in order to match the adjacent east concrete roadway built by others.
- To add the baseline control sheets to the contract.
- To add revise the proposed signal layout sheets and signal chart sheets. Some of the revisions were to account for the changes made on Phase I.
- This change order adds 79 calendar days to the contract to allow completion of work items added by this Change Order. Also, the days are added due to the non-historical amount of rainfall that prevented the start of utility work items. Also, days are added due to the time required to evaluate the construction of the retaining wall. This allowed further evaluation of the existing geotechnical assumptions made during design and also allowed further evaluation of the improved subgrade based on soil bores taken before construction and comparing the to the cores taken two years ago. It has been agreed upon between the City and contractor that no additional compensation will be provided for adding these additional days. They were no project overhead delays or monetary costs to the contractor or to any of the subcontractors during this time.

Attachment #1 describes the adjusted and added pay items attributed to this Change Order.

Attachment #2 describes the added and revised plan sheets attributed to this Change Order. The described sheets within this attachment will be added to the existing contract set of plans.

TOTAL CONTRACT AMENDMENT NO. 1: \$ 71,032.79
Original Amount of Contract \$ 4,815,421.55
Contract Amount after Amendment No. 1 \$ 4,886,454.34

Requested Additional Number of Calendar Days to Be Considered Prior to the Final Payment: 79 Calendar Days. The Contract Start Time and Notice to Proceed for this project is March 16, 2015. With approval of Contract Amendment No. 1, 79 Calendar Days will be added to the original contract time of 255 Calendar Days. The total revised Contract Time with approval of Amendment No. 1 shall now be (255 + 79) 334 Calendar Days.

Please sign and return the Contract Amendment to the Engineering Department as soon as possible so future payments, if any, may be processed.

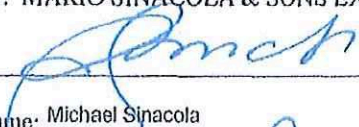
Thank you.

City of The Colony's offer of proposed change:

By: _____
Printed Name: _____
Title: _____

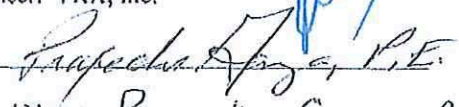
Date: _____

Contractor: MARIO SINACOLA & SONS EXCAVATION, INC.

By: 
Printed Name: Michael Sinacola
Title: Vice President

Date: 12/04/15

Engineer: VRX, Inc.

By: 
Printed Name: Praxedis Garza, P.E.
Title: Construction Manager

Date: 12/14/15

CHANGE ORDER #1, ATTACHMENT #1

12/4/2015

SH 121 @ S. Colony Boulevard Improvement Phase 2

ITEM NO.	PREVIOUS CO OR CONTRACT QUANTITY	ADDITIONAL QUANTITY	REVISED QUANTITY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE	ADDITIONAL COST	Revised Quantity see Plan Sheet #
5007-6011	0	1	1	EA	Furnish & Install 6" Gate Valve, work fully performed, complete in place for the sum of eight hundred fifty Dollars and no Cents per each.	\$850.00	\$850.00	
465-2011	0	1	1	EA	6' X 8' Junction Box, furnish and install, work fully performed, complete in place for the sum of seven thousand eight hundred Dollars and no Cents per each.	\$7,800.00	\$7,800.00	
402-2001	754	72	826	LF	Trench Protection for Storm Drain Lines, furnish and install furnish where required by OSHA Standards that are in effect at the time of bidding, work fully performed, complete in place for the sum of ten Dollars and no Cents per linear feet.	\$10.00	\$720.00	
464-2003	463	89	552	LF	18-inch CL III Reinforced Concrete Storm Drain (open cut), furnish and install furnish and install including excavation, embedment and backfill, work fully performed, complete in place for the sum of fifty five Dollars and no Cents per linear feet.	\$55.00	\$4,895.00	
464-2005	646	25	671	LF	24-inch CL III Reinforced Concrete Storm Drain (open cut), furnish and install including excavation, embedment and backfill, work fully performed, complete in place for the sum of sixty seven Dollars and no Cents per linear feet.	\$67.00	\$1,675.00	
NCTCOG 702	2	-2	0	EA	20' Curb Inlet, furnish and install, work fully performed, complete in place for the sum of thirty nine hundred Dollars and no Cents per each.	\$3,900.00	(\$7,800.00)	
465-2027	0	4	4	EA	INLET (COMPL) (CURB) (TY III) (10'), furnish and install, work fully performed, complete in place for the sum of forty seven hundred twenty five Dollars and no Cents per linear feet.	\$4,725.00	\$18,900.00	
464-2011	0	16	16	LF	48" CL III RCP, furnish and install, work fully performed, complete in place for the sum of one hundred seventy five Dollars and no Cents per linear feet.	\$175.00	\$2,800.00	
NCTCOG 507	317	-317	0	LF	San Sew (10") (SDR-26) 10" DR25 PC165 PVC Sower, furnish and install, work fully performed, complete in place for the sum of forty five Dollars and no Cents per linear feet.	\$45.00	(\$14,265.00)	
9000-001	0	236	236	LF	18" DR25 PC165 PVC Sower, furnish and install, work fully performed, complete in place for the sum of sixty-two Dollars and no Cents per ten	\$80.00	\$18,880.00	
9000-002	0	1	1	EA	6' Dia Internal Drop SS Manhole, furnish and install, work fully performed, complete in place for the sum of sixteen thousand seven hundred fifty Dollars and no Cents per each.	\$16,750.00	\$16,750.00	
5893-2005	0	1	1	EA	Service Connection (Sanitary Sower), furnish and install, work fully performed, complete in place for the sum of two thousand seven hundred fifty Dollars and no Cents per each.	\$2,750.00	\$2,750.00	

12/4/2015

Revised
Quantity see
Plan Sheet #

Page 2 of 2



Location Map



**CITY OF THE COLONY, TEXAS
RESOLUTION NO. 2016-_____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A CONSTRUCTION SERVICES CONTRACT AMENDMENT BY AND BETWEEN THE CITY OF THE COLONY AND MARIO SINACOLA & SONS EXCAVATING, INC. FOR CONSTRUCTION OF PHASE 2 OF THE SOUTH COLONY BOULEVARD GRADE SEPARATION AT THE SAM RAYBURN TOLLWAY/S.H. 121, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City and Contractor have entered into an agreement such that the Contractor is to provide the following services: CONSTRUCTION OF PHASE 2 OF THE SOUTH COLONY BOULEVARD GRADE SEPARATION AT THE SAM RAYBURN TOLLWAY/S.H. 121, SPECIFICALLY RAMPS TO FROM SOUTH COLONY BOULEVARD TO THE BRIDGE OVERPASS; and

WHEREAS, the City has determined that it is in the best interest of the City to enter into Contract Amendment No. 1 with MARIO SINACOLA & SONS EXCAVATING, INC., which is attached hereto and incorporated herein by reference as Exhibit "A," under the terms and conditions provided therein.

WHEREAS, with this Contract Amendment the City of The Colony is agreeing to pay the sum not to exceed \$71,032.79 for such work with primary funding provided by Denton County Regional Toll Revenues (RTR).

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS THAT:

Section 1. The Contract Amendment No. 1, which is attached and incorporated herein as Exhibit "A", having been reviewed by the City Council of the City of The Colony, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved in the amount of \$71,032.79 and the City Manager is hereby authorized to execute the Contract on behalf of the City of The Colony, Texas.

Section 2. That this Resolution shall take effect immediately from and after its adoption and it is so resolved.

PASSED, APPROVED and EFFECTIVE this 19th day of January, 2016.

Joe McCourry, Mayor
City of The Colony, Texas

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 14, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Discuss and consider a request from the Mothers Opposing Bullying organization to receive a portion of the gate fees at Stewart Creek Park to help offset their costs to conduct their event at the park on April 2nd, 2016 (PARD, Nelson)

Background:

Council previously approved the Mothers Opposing Bullying (MOB) organization's grant request for use of Stewart Creek Park and other in-kind services from the City for their 5K/10K Run and concert to be held on April 2nd, 2016. They were also approved for a cash grant from the City in the amount of \$2500 to support their event.

MOB recently lined up Emerald City Management Band to provide entertainment, and they expect this will draw more attendees to their event. They have asked if we would share the gate entry fees for that day since some people will be coming to the park specifically for their event. This would help offset some of the cost of hiring a band with the potential to attract a bigger audience. Their request is attached.

Recommendations:

Staff has reviewed and averaged the revenue for the park on the first two Saturdays of April for the past 4 years. The average for daily entry fees is \$726, and the average for annual permits sales is \$468 for those days. Staff does not recommend allowing inclusion of the average annual permit sales if Council wishes to consider allowing a revenue share with MOB for that day.

Attachments:

Request from MOB for revenue share at Stewart Creek Park for event on April 2, 2016.
Gate Revenue – April Saturdays – 2012-2015.

01/07/16

Presented by: The M.O.B. Executive Team
In Partnership with The Colony



Saving Lives one at a time

5K RUN

THE COLONY, TEXAS



The Colony Parks & Recreation
c/o Pam Nelson
6800 Main Street
The Colony, TX 75056
Re: Addendum to MOB Run & Concert

Dear Pam,

As you are aware the Mothers Opposing Bullying (M.O.B.) Foundation is well under way with the planning and execution of the MOB 2016 Run and Concert whose theme this year is **World Unity**.

In an effort to bring a phenomenal and exciting event to The City of The Colony while raising funds and awareness for an amazing cause, The Mothers Opposing Bullying Foundation has secured the **Emerald City Management Band**. The Emerald City Management Band is scheduled to perform this year throughout the “World Unity” themed event at Stewart Creek Park located in the **City of The Colony**.

The Mothers Opposing Bullying organization had originally expected to recoup most of the expenditures relating to the procurement of the ECM Band through the utilization of a small entry fee to its patrons before it recently learned that the park gate typically still charges an entry fee on those days to its regular lake patrons as well. The fact that these monies might get entangled could get confusing when the time comes to sort monies in their respectful rightful owner’s hand therefore the need arose to have a further discussion with the PARD and of course the approval of council once a solution had been identified.

After speaking at length with Community Services Director, Pam Nelson and Recreation Manager David Swain, MOB discussed a solution that would satisfy both parties without the park’s normal revenue being financially impacted or without the host organization having to terminate its contract with Emerald City Management. If accepted, the Stewart Creek entry gate revenue on that same day for the weekend over the last three years would be examined then averaged to determine the average gate revenue intake on or about that exact same day to prevent any seen or unforeseen shortage to the gate.

Once determined, a mutually agreed upon predetermined amount would first be met before any realized revenue would be received by the hosting organization namely MOB. After the Stewart Creek Park gate has been satisfied, the Mothers Opposing Bullying Foundation would receive the remaining revenue generated at the gate on the date of their MOB World Unity Event.

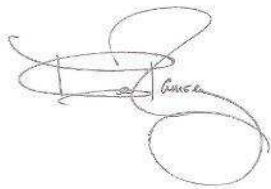
The host organization would then assist and manage the gate entry, entry fees etc as needed per PARD.

If the contract with ECM Band is terminated, the organization would replace ECM Band with a local band and proceed forward.

We thank you in advance for your consideration.

Sincere regards,

CC: Brant Shallenburger
City Council Members

A handwritten signature in black ink, appearing to read "Belinda Ramsey". The signature is stylized with large, flowing loops and a horizontal line across the middle.

Belinda Ramsey

Executive Director

Mothers Opposing Bullying Foundation

SCP Gate Revenue

First 2 Saturdays of April 2012 - 2015

Date	Resident Day Pass	Non-Resident Day Pass	Day Pass Total		Annual Permits		Grand Total
4/4/2012	\$ 707.00	\$ 880.00	\$ 1,587.00		\$ 1,390.00		\$ 2,977.00
4/11/2012	\$ 161.00	\$ 170.00	\$ 331.00		\$ 215.00		\$ 546.00
			\$ 1,918.00		\$ 1,605.00		\$ 3,523.00
4/6/2013	\$ 105.00	\$ 260.00	\$ 365.00		\$ 200.00		\$ 565.00
4/13/2013	\$ 252.00	\$ 190.00	\$ 442.00		\$ 560.00		\$ 1,002.00
			\$ 807.00		\$ 760.00		\$ 1,567.00
4/5/2014	\$ -	\$ 50.00	\$ 50.00		\$ 65.00		\$ 115.00
4/12/2014	\$ 231.00	\$ 350.00	\$ 581.00		\$ 280.00		\$ 861.00
			\$ 631.00		\$ 345.00		\$ 976.00
4/4/2015	\$ 416.00	\$ 1,580.00	\$ 1,996.00		\$ 838.00		\$ 2,834.00
4/11/2015	\$ 196.00	\$ 260.00	\$ 456.00		\$ 195.00		\$ 651.00
			\$ 2,452.00		\$ 1,033.00		\$ 3,485.00
			\$ -				
	\$ 2,068.00	\$ 3,740.00	\$ 5,808.00		\$ 3,743.00		\$ 9,551.00

Daily average of day pass revenue = \$726

Daily average of annual permit revenue = \$468

Daily average of day pass and annual permit revenue = \$1,194

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Discuss and consider an ordinance approving the prohibition of wireless devices in a construction or maintenance work zone (General Admin, Shallenburger)

Background:

Based on a report to Council showing an increase in accidents within the FM 423 construction zone in the 12 months following the beginning of construction as compared to the 12 months immediately preceding construction, Council requested a proposed ordinance relating to the prohibition of cell phone usage within construction zones.

Purpose:

The purpose of the ordinance is to prohibit cell phone usage in construction zones in order to increase traffic flow on FM 423, decrease traffic accidents within construction zones and promote safe and attentive driving.

Issues:

Alternatives:

Recommendations:

Attachments:

Proposed Ordinance

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING CHAPTER 19, ENTITLED "TRAFFIC", BY ADDING A NEW SECTION 19-27 ENTITLED "USE OF WIRELESS COMMUNICATION DEVICES IN A CONSTRUCTION OR MAINTENANCE WORK ZONE," BY PROHIBITING THE USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING WITHIN CONSTRUCTION OR MAINTENANCE WORK ZONES; REQUIRING THE POSTING OF SIGNAGE AT CONSTRUCTION AND MAINTENANCE WORK ZONES; PROVIDING AFFIRMATIVE DEFENSES AND EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED \$200 FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council finds that the use of a wireless communication device to send, read, or write a text message, view pictures or written text, whether transmitted by internet or other electronic means, engage in gaming or any other use of the device, is a traffic hazard, a danger to the public and creates a particular danger or probability of danger in the City of The Colony; and

WHEREAS, the City Council believes that prohibiting the use of wireless communication devices to engage in any use of a mobile communication device besides dialing telephone numbers or talking to another person, with certain defenses, would further and protect the public health, safety, and welfare; and

WHEREAS, the City of The Colony, Texas, is a Texas home-rule municipality, and pursuant to Section 51.072 of the Texas Local Government Code has full power of local self-government; and

WHEREAS, the City Council of the City of The Colony, Texas, has determined that the following regulation is necessary in order to protect public health, safety, and welfare of the citizens of the City of The Colony, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:

SECTION 1. That the findings set forth above are incorporated into the body of the Ordinance as if fully set forth herein.

SECTION 2. That the Code of Ordinances of the City of The Colony, Texas, be and the same is, hereby amended by amending Chapter 19, entitled "Traffic," by adding a new section

19-27, entitled "Use of Wireless Communication Devices in a Construction or Maintenance Work Zone" which shall read as follows:

"Sec. 19-27. Use of Wireless Communication Devices in a Construction or Maintenance Work Zone.

- (a) *Definitions.* For the purpose of this Section, the following words, terms, phrases and their derivations shall have the meanings as set out below:

"Construction or Maintenance Work Zone" has the meaning assigned in Section 472.022 (Obey Warning Signs and Barricades) of the Texas Transportation Code.

"Hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands.

"Text message" means a two-way communication (whether real-time or asynchronous) in which data (composed in whole or in part of text, numbers, images, or symbols) is sent, entered, or received by a method other than by voice and transmitted through either a short message service (SMS) or a computer network.

"Wireless Communication Device" has the meaning assigned in Section 545.425 (Use of Wireless Communication Device; Offense) of the Texas Transportation Code. Further, *"Wireless Communication Device"* means a text-messaging device or other electronic, two-way communication device that is designed to receive and transmit voice communication, text or pictorial communication, or both, whether by internet or other electronic means. The term includes a mobile telephone, and a personal digital assistant (PDA).

"Wireless Telephone Service" means two-way, real time voice telecommunications service that is interconnected to a public switched telephone network and is commonly referred to as cellular service or personal communication service.

- (b) *Offense:* Except as provided by Subsection (c), an operator may not use a wireless communication device while operating a motor vehicle within a construction or maintenance work zone, as defined by Section 472.022, Transportation Code, unless:
- (1) the vehicle is stopped; or
 - (2) the wireless communication device is used with a hands-free device.
- (c) *Posting of Signs.* The city manager or his designee shall post a sign that complies with the standards described by this subsection at the entrance to each construction or maintenance work zone in the city. The city shall adopt standards that:

- (1) allow for a sign required to be posted under this subsection to be attached to an existing sign at a minimal cost; and
 - (2) require that a sign required to be posted under this subsection inform an operator that:
 - (A) the use of a wireless communication device is prohibited in the construction or work maintenance zone; and
 - (B) the operator is subject to a fine if the operator uses a wireless communication device in the construction or work maintenance zone.
- (d) *Affirmative Defenses.* It is an affirmative defense to prosecution of an offense under this section if the wireless communication device was used:
- (1) to make an emergency call to:
 - (A) an emergency response service, including a rescue emergency medical, or hazardous material response service;
 - (B) a hospital;
 - (C) a fire department;
 - (D) a health clinic;
 - (E) a medical doctor's office;
 - (F) an individual to administer first aid treatment; or
 - (G) a police department;
 - (2) and a sign as required by Subsection (c) was not posted at the entrance to the construction or work maintenance zone at the time the offense was committed;
 - (3) while the vehicle was stopped and out of the moving lanes of the roadway;
 - (4) as a global positioning or navigation system that is affixed to the vehicle;
 - (5) in the reasonable belief that a person's life or safety was in immediate danger; or
 - (6) solely in a voice-activated or other hands-free mode.
- (e) *Exceptions.* This section does not apply to:
- (1) an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or

- (2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.
- (f) *Penalty.* No citations will be issued for the first 30 days following the effective date of this Ordinance so that an educational effort by the City may be conducted to inform the public about the importance and requirements of this new Ordinance. Thereafter, a person convicted of an offense under this section shall be a misdemeanor punishable by a fine from \$1.00 to \$200.00.”

SECTION 3. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That any person, firm or corporation violating a provision of this Ordinance, upon conviction, is guilty of a misdemeanor and shall be subject to a fine in the sum not to exceed Two Hundred Dollars (\$200.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. That this Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 19th day of January, 2016.

Joe McCourry, Mayor

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Discuss and consider approving an ordinance amending the Code of Ordinances by repealing in its entirety and replacing with a new Chapter 15, Section 15-1 to 15-12, entitled "Peddlers and Solicitors" (Police, Coulon)

Background:

Purpose:

Add definitions for canvasser and local youth organization. Those groups exempt from license requirement.

Add license requirement for all businesses and handbill posters.

Changes hours allowed to daylight hours.

No soliciting on holidays.

No blanket posting of handbills on vehicles.

No additional changes from last council meeting's work session presentation.

Issues:

Alternatives:

Recommendations:

Attachments:

Amended Solicitor Ordinance

CITY OF THE COLONY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING IN ITS ENTIRETY CHAPTER 15, SECTIONS 15-1 TO 15-12, ENTITLED “PEDDLERS AND SOLICITORS,” AND REPLACING IT WITH A NEW CHAPTER 15, SECTIONS 15-1 TO 15-12, ENTITLED “PEDDLERS AND SOLICITORS,” BY REQUIRING A LICENSE TO ENGAGE IN SOLICITATIONS; PROVIDING EXCEPTIONS TO THE LICENSE REQUIREMENTS; PROVIDING FOR THE INVESTIGATION AND REVIEW OF APPLICATIONS FOR A LICENSE; PROHIBITING CERTAIN HOURS OF OPERATION; PROHIBITING SOLICITATIONS ON CERTAIN HOLIDAYS; REQUIRING THE CARRYING OF THE LICENSE TO SOLICIT; PROVIDING FOR THE REVOCATION OF A LICENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of The Colony, Texas, has discussed and considered such revisions and has determined that it is in the best interest of the City to amend the current Chapter 15, Sections 15-1 to 15-12, to address solicitations within the City of The Colony, Texas, in accordance with law; and

WHEREAS, the City Council of the City of The Colony, Texas, has determined that the following regulation is necessary in order to protect public health, safety, and welfare of the citizens of the City of The Colony, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:

SECTION 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the Code of Ordinances of the City of The Colony, Texas be, and the same is, hereby amended by repealing Chapter 15, Sections 15-1 to 15-12, entitled “Peddlers and Solicitors,” in its entirety and replacing it with a new Chapter 15, Sections 15-1 to 15-12, entitled “Peddlers and Solicitors,” which shall read as follows:

“Chapter 15. PEDDLERS AND SOLICITORS

Sec. 15-1. - Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Chief of police: The chief of police of the city or his designee.

City-based organization: Any group maintaining an organizational structure within the city, and which may be either registered with the state as a certified nonprofit organization or nationally chartered as a service or professional organization and which is working for the betterment of the entire city.

Canvasser: Any person who attempts to make personal contact with a person at a residence without a prior specific invitation or appointment from the resident for the purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against the cause.

Commerce: Soliciting, selling or taking orders for or offering to take orders for, any goods, wares, merchandise or other personal property or services.

Itinerant vendor: Any person in person or by agents, servants and employees, who or which engages in the temporary or transient business of selling, exhibiting or offering for sale in the city, any goods, wares, merchandise, services, photographs, produce or other personal property, or offers for sale or exhibits the same for sale, or exhibits the same for the purpose of taking orders or subscriptions for the sale thereof.

Local youth organization: Any participant in a local youth organization that operates within the city limits of The Colony. This includes local school sports and academic teams and organizations such as girl and boy scouts, or similar organizations.

Nonprofit organization: Any organization which is either registered with the state as a certified nonprofit organization or nationally chartered as a service or professional organization and which is working for the betterment of the entire city.

Peddler, solicitor and itinerant vendor: Any person engaged in the soliciting, selling or taking orders for, or offering to take orders for, any goods, wares, merchandise or other personal property or services, including but not limited to, produce and photographs, in the city.

Solicit funds or solicitation of funds: Any request for money, property or anything of value; or the pledge of future money, property or anything of value; or the selling or offering for sale of any property, real or personal tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions, or for any paid service. Soliciting includes the posting of any handbills for such goods or services.

Temporary business: Any business transacted or conducted in the city in, upon, through or from any private premises or space upon any private property for which no definite arrangement for legal right of occupancy thereof, for the purpose of conducting such business therein or thereon for a period of at least one month, has been made in advance of such use and occupancy.

Transient business: The business of an itinerant vendor as may be operated or conducted by any person, or his agents, servants or employees, who resides or is domiciled away from the city

or who has a fixed place of business or business headquarters outside of the city, or who moves stocks of goods, wares, merchandise or other personal property or samples thereof into the city with the purpose or intention of removing them or the unsold portion thereof away from the city before the expiration of six months.

Sec. 15-2. Registration—Engaging in commerce; required; information.

It shall be unlawful for persons engaged in commerce to go from house to house or place to place in the city soliciting, selling or taking orders for, or offering to take orders for any goods, wares, merchandise, or other personal property or services, without first having registered with the chief of police. Each person so registering shall give the following information:

- (1) The name, home address and local address and local address, if any, of the registrant.
- (2) Home address of all addresses lived in the past twelve (12) months.
- (3) The name and address of the person, if any, whom the registrant represents or for whom or through whom orders are to be solicited or cleared.
- (4) The nature of the articles or things which are sold or for which orders are to be solicited.
- (5) Whether the registrant, upon the sale or order, shall demand, receive or accept payment or deposit of money in advance of final delivery.
- (6) The period of time during which the registrant wishes to solicit or sell in the city.

Sec. 15-3. - Same—Identity of registrant.

At the time of registration as provided for above, the registrant shall furnish the chief of police written proof, under oath, of such person's identity, verified by the person for whom or through whom orders are to be solicited or cleared.

Sec. 15-4. - Same—Charitable organizations, salespersons, etc.

It shall be the duty of all charitable organizations and their representatives, commercial agents dealing with local business establishments in the usual course of business, insurance salespersons, real estate salespersons and or others licensed by the state to follow the same registration procedures as outlined above for persons engaged in commerce.

Sec. 15-5. - License—Required; exception.

- (a) It shall be unlawful for any person engaged in commerce, and not within the provisions of section 15-4, to pursue the occupation of a peddler, solicitor or itinerant vendor of goods, wares, merchandise, produce, photographs or other personal property in the city, or for any such person to go from house to house, or from place to place in the city, soliciting, selling or taking orders for any goods, wares, merchandise, produce,

photographs or other personal property without first having applied for and obtained a license to do so from the chief of police.

- (b) Local youth organization members are not required to obtain a permit if they are attired in uniforms of the local youth organization or displaying a picture id from the local youth organization on their person.
- (c) A canvasser is not required to obtain a permit.

Sec. 15-6. - Same—Application.

Application for a license shall be made upon forms furnished by the chief of police and shall be in writing under oath and shall set out the following:

- (1) Name of applicant, with applicant's permanent residence, and home address of all addresses lived in the past twelve (12) months.
- (2) Name and address of the person applicant represents, if any.
- (3) The kind, type and character of goods applicant will offer for sale.
- (4) Names and addresses of five (5) persons as references.
- (5) How often the applicant will solicit during the course of the year.
- (6) The names of the cities where applicant has worked in the previous thirty (30) days.
- (7) Whether or not applicant has ever been convicted of a felony, a misdemeanor involving moral turpitude, or has been arrested for any offense within the last 12 months.

Sec. 15-7. - Investigation; term; fee; denial.

- (a) It shall be the duty of the chief of police to investigate each applicant for a permit or license before issuance of such permit or license. Such permit, if granted, shall be issued after payment of fee established by resolution of the City Council.
- (b) Within ten (10) working days of the receipt of the application, the police chief shall either issue a license, as provided by this chapter, or notify the person applying that the application does not comply with the requirements of this chapter.
- (c) The application shall be accompanied by a nonrefundable license fee. An additional application and fee will be required for each person soliciting, make home solicitations and distributing commercial handbills. Such fees shall be established by resolution of the City Council. A fee is not required for charitable solicitations, soliciting for charitable

purposes or for a city based organization. This fee shall not apply to persons engaged in representing a business having an established location within the city which is not a transient business.

- (d) A license pursuant to this chapter shall expire at the termination of the solicitation period specified in the permit application or one hundred and eighty (180) days from the date of issuance, whichever is less.
- (e) The chief of police may refuse to issue such permit if it is found that the applicant has been convicted of a felony, or of a misdemeanor involving a crime of moral turpitude, or any arrest within the past twelve (12) months, or if any of the information furnished on the application blank is found to be false, if the applicant fails or refuses to furnish the information required, or if the type of business or goods to be sold will violate some law of this state or ordinance of the city. Any applicant who has been refused issuance of a permit or license under this section shall have the right of appeal to the city manager. The city manager's decision regarding an appeal shall be final. Any applicant who has been refused issuance of a permit or license under this section shall not be entitled to reapply for a period of six months from the date of the refusal.

Sec. 15-8. - Carrying license, permit and photographic identification.

It shall be unlawful for any person to engage in any activity for which a permit or license is required by this chapter without carrying such permit or license on the person while so engaged. It shall further be unlawful for any person to engage in any activity for which registration or a permit or license is required by this chapter without wearing a photographic identification badge issued by the chief of police on the person so as to be visible at all times while so engaged. A fee of \$10.00 shall be charged for every photographic identification badge issued.

Sec. 15-9. - Revocation of license or permit.

If after a permit or license has been issued it is found that the permit or license was obtained by false representation in the application or if any of the other grounds for refusal becomes known, the permit or license may be revoked by the chief of police. Any holder of a permit or license which is revoked shall not be entitled to reapply for a period of one (1) year from the date of the revocation.

Sec. 15-10. - Prohibited hours of operation.

- (a) It shall be unlawful for any person to pursue the occupation of peddler, solicitor or itinerant vendor within the city except during the time that is within one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset.
- (b) It shall be unlawful for any person to participate in the direct solicitation, sale or offer for sale of any goods, wares, merchandise or other personal property or services from, or through the use of, a motor vehicle within 300 feet of a school zone during school zone

hours. For purposes of this section, the term "direct" shall mean in person or face-to-face contact.

- (c) It shall be unlawful to for any person to pursue the occupation of peddler, solicitor or itinerant vendor at any time on New Year's Day, Memorial Day, July Fourth, Labor Day, Veteran's Day, Thanksgiving Day, or Christmas Day.

Sec. 15-11. - Solicitation and handbill distribution.

- (a) It shall be unlawful for any person or organization to solicit upon any private premises, if requested by anyone thereon not to do so, of if there is placed on such premises in a conspicuous position, near the entrance thereof, a sign giving notice indicating in any manner, that the occupants of such premises do not desire to be solicited.
- (b) It shall be unlawful for any person or organization to attach or attempt to attach handbills to the door or window of any residence in any manner except by the use of rubber bands. No handbills may be tacked, glued or taped to the premise of a residence.
- (c) It shall be unlawful for any person or organization to attach or place any handbill on any motor vehicle on private or public property.
- (d) The name and contact phone number of the commercial handbill distributor or sponsor shall be clearly printed on each handbill or other advertisement that is distributed.

Sec. 15-12. - Entry without invitation.

It shall be unlawful for any person or organization to solicit upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position, near the entrance thereof, a sign giving notice indicating in any manner, that the occupants of such premises do not desire to be solicited."

SECTION 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 6. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS THE 19th day of JANUARY , 2016.

Joe McCourry, Mayor

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

SUMMARY OF REQUEST: Discuss and consider approving a resolution authorizing the city manager to execute a contract amendment with VRX, Inc. for Construction Management Services for Phase 2 of the South Colony Boulevard Grade Separation at the Sam Rayburn Tollway/SH 121 (Engineering, Scruggs)

Background:

The City entered in to an agreement for development of 431-acres south of SH 121 between Plano Parkway and Spring Creek. A traffic analysis of the site demonstrated the need for an interchange on the SRT at South Colony Blvd.

A conceptual design was developed by a team composed of representatives from the City, Developer, North Central Texas Council of Governments (NCTCOG), North Texas Tollway Authority (NTTA), Denton County, and Texas Department of Transportation (TxDOT). This interchange has South Colony Blvd. pass over the SRT, thereby, minimizing the downtime of the SRT main lanes for construction. A diverging diamond interchange was selected based on its lower cost and higher vehicle capacity.

Although the City had already made the decision to construct Phase 2 (the ramps from the bridge on to South Colony Blvd.), to meet the timeline for construction completion it was necessary to begin the Phase 1 project while Phase 2 was being designed. In August 2013, construction began on the Phase 1 bridge and it was opened to traffic in March 2015.

The Phase 2 construction began in March 2015 and will be open to traffic in February 2016. VRX, Inc. provides onsite personnel to on-site personnel to review documents and information; provide communication and coordination between City, design engineer, geotechnical engineer, and contractor; conduct construction phase services; and project closeout. These services are necessary due to the extension of the project by 22 weeks. The additional cost is \$251,300 and will be 100% funded by Denton County Regional Toll Revenues (RTR) from the tolling of SH 121.

Purpose:

To approve a contract amendment with VRX, Inc.

Issues:

Construction of Phase 2 began in March and will be open to traffic in February 2016.

Alternatives:

N/A

Recommendation:

Staff recommends approval of the contract amendment with VRX, Inc.

Suggested motion: I move to recommend approval of a contract amendment for Construction Management Services for Phase 2 of the South Colony Boulevard Grade Separation at the SRT.

FINANCIAL SUMMARY: (Leave blank if N/A)

Are budgeted funds available: ☒ Yes ☐ No Amount budgeted/available: \$632,240

Fund(s) (Name and number): Denton County RTR & TIRZ 1

Source of Funds: Denton County RTR \$251,300 & TIRZ 1 \$380,940

Cost of recommended bid/contract award: \$251,300

Total estimated project cost:

\$ _____	Architecture/engineering	Already authorized	<input type="checkbox"/> Yes	<input type="checkbox"/> No
\$ <u>380,940.00</u>	Construction management	Already authorized	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
\$ <u>251,300.00</u>	Contract Amendment	Already authorized	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
\$ _____	Other	Already authorized	<input type="checkbox"/> Yes	<input type="checkbox"/> No
\$ <u>632,240.00</u>	Total estimated costs			

Future Costs (if any): \$ _____ Revenue Generated: \$ _____

FISCAL IMPACT STATEMENT (Leave blank if N/A)

If this is a non-budgeted item, identify probable gain, loss, or cost for each of the next 3 years. Identify whether any cost will be incurred thereafter. N/A

Attachments:

Contract Amendment

Location Map

Resolution

STATE OF TEXAS)

COUNTY OF DENTON)

AMENDMENT OF PROFESSIONAL'S CONTRACT

This agreement ("Agreement") is made by and between the City of the Colony, Texas, a Municipal Corporation located in Denton County, Texas ("City") and VRX, Inc. ("Professional") acting by and through their authorized representatives.

WHEREAS, the City and Professional have entered into an agreement such that the Professional is to provide the following additional services: Additional Bridge Inspection Services through the New Project Closeout for Phase 2 of the South Colony Boulevard Overpass at Sam Rayburn Tollway.

WHEREAS, the above referenced agreement provides that if there is a change in scope or focus of the activities in the contract, or if it is necessary for the Professional do additional work such that there is a significant additional cost or expense to the City, it is necessary for the City to approve such work and/or for the parties to change the contract;

WHEREAS, with this Contract Amendment # 1, the City is hereby approving such additional work and agreeing to pay the Professional on an as needed task order basis as more specifically set forth in the attached estimated hours table and cost estimate dated December 01, 2015 provided from VRX, Inc.

WHEREAS, with this Contract Amendment # 1, the City is hereby approving and agreeing to increase the contract funding by \$251,300.00.

NOW, THEREFORE, for and in consideration of the mutual acts and covenants set out herein, the parties agree as follows:

1. Professional, in addition to the work to be performed in the Contract dated May 5, 2015 shall perform the task(s) described in the attached VRX hours table and cost estimate basically described as additional construction and inspection services, including the extension of the Phase 2 contract an additional 22 weeks.
2. The new not to exceed amount of this contract after the addition of the \$251,300.00 project funding is now \$632,240.00.
3. This shall constitute an Authorization for a Change in Work as set out in the agreement between the parties, and an amendment to such contract. All of the terms and conditions of the original contract shall remain in full force and effect, as amended hereto, unless set out otherwise herein.

Signed and effective on this the _____ day of January 2016.

CITY OF THE COLONY, TEXAS

By: _____

Printed Name: TROY C. POWELL

Title: CITY MANAGER

ATTEST:

SECRETARY

VRX, INC.

By: _____

Printed Name: _____

Title: _____

ATTEST:

SECRETARY



2500 N. Dallas Pkwy
Suite #450
Plano, TX 75093

Date: 12/1/2015
Project: CM Services for Proposed State Highway 121 Improvement at South Colony Blvd.

Estimated Hours

Staff	Phase 2: Extension 22 weeks				Total Hours			
	Reg Hours / Week	OT Hours / Week	Reg Hours / Week	OT Hours / Week	Reg Hours for Project	OT Hours for Project	Tot Hours for Project	
RE	20	-			440	-	440	
Env Scientist	-	-			-	-	-	
Chief Inspector	40	5.00			880	110	990	
QA/QC	-	-			-	-	-	
Inspector 3	-	-			-	-	-	
Inspector 2	40	5.00			880	110	990	
Doc Control	2	-			44	-	44	
Scheduler	2.0	-			44	-	44	
					2,288	220	2,508	

Total					2,288	220	2,508
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Insp.	Jason B. Chief Inspector	QA/QC	Rudy Inspector 3	Jacob Inspector 2	Tim E. Doc Control	Schedule Review	Name Role	Name Role	Name Role	ON-SITE PERSONNEL HOURS												On-Site Reg Hours						880		0			880	On-Site OT Hours						110					110	OFF-SITE PERSONNEL HOURS												Off-Site Reg Hours	440		880				44	44			1,408	Off-Site OT Hours			110								110	TOTAL LABOR HOURS	440	0	990	0	0	990	44	44	0	0	2,508	DIRECT HOURLY RATES (Rates are average hourly rate per level)	\$ 61.30		\$33.53	\$66.00	\$42.00	\$18.50	\$36.54	\$55.00				DIRECT HOURLY RATES - OT			\$50.30		\$63.00	\$27.75						DIRECT SALARIES (ON-SITE PERSONNEL)	\$0	\$0	\$0	\$0	\$0	\$19,280	\$0	\$0	\$0	\$0	\$19,280	OT PAY (ON-SITE PERSONNEL)	\$26,971	\$0	\$0	\$0	\$0	\$3,053	\$1,603	\$2,420	\$0	\$0	\$3,053	DIRECT SALARIES (OFF-SITE PERSONNEL)			\$20,506	\$0	\$0	\$0					\$20,506	OT PAY (OFF-SITE PERSONNEL)			\$5,532								\$5,532	TOTAL											\$45,202.26	DIRECT EXPENSES - NON LABOR													<table border="1"> <tbody> <tr> <td>Vehicles (22 months @ \$1,200.00 per month) (3+5+5)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$15,600</td> </tr> <tr> <td>Phones (13 Months @ \$100 per month)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$1,300</td> </tr> <tr> <td>Computers (13 Months @ \$75 per month)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$975</td> </tr> <tr> <td>Internet (13 Months @ \$55 per month)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$715</td> </tr> <tr> <td>Office Supplies (5 months @ \$20 per month)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$50</td> </tr> <tr> <td>Printer/Copier (50 months including closeout phase)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$50</td> </tr> <tr> <td>Safety Supplies</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$0</td> </tr> <tr> <td>TOTAL EXPENSES:</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$18,590</td> </tr> </tbody> </table>													Vehicles (22 months @ \$1,200.00 per month) (3+5+5)											\$15,600	Phones (13 Months @ \$100 per month)											\$1,300	Computers (13 Months @ \$75 per month)											\$975	Internet (13 Months @ \$55 per month)											\$715	Office Supplies (5 months @ \$20 per month)											\$50	Printer/Copier (50 months including closeout phase)											\$50	Safety Supplies											\$0	TOTAL EXPENSES:											\$18,590	SUMMARY OF PROJECT COSTS													<table border="1"> <tbody> <tr> <td>Total Labor</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$232,709</td> </tr> <tr> <td>Total Expenses</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$18,590</td> </tr> <tr> <td>TOTAL PROJECT COST</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$251,299</td> </tr> </tbody> </table>													Total Labor											\$232,709	Total Expenses											\$18,590	TOTAL PROJECT COST											\$251,299	<table border="1"> <tbody> <tr> <td>SAY</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>\$251,300.00</td> </tr> </tbody> </table>													SAY											\$251,300.00
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FEE SUMMARY											
FAR Overhead Rate - On-Site: FAR Overhead Rate - Off-Site: Profit: <input type="text"/> Enter your profit margin of 12% max Multiplier - On-Site: Multiplier - Off-Site: On-Site Personnel Off-Site Personnel OT - On-Site Personnel OT - Off-Site Personnel Total											
1,3381	1,5839	10.0%	2.57	2.84	Total Hours	Direct Labor	Overhead	Profit	Subtotal (Salaries + Overhead)	Subtotal (Loaded Labor)	Direct Costs
880	\$16,880	\$27,784	\$3,008	\$38,064	\$41,871						
0	\$0	\$0	\$0	\$0	\$0						
1408	\$23,063	\$38,723	\$5,778	\$51,778	\$58,353						
110	\$18,592	\$30,822	\$4,534	\$35,340	\$39,874						
\$2,508	\$85,370	\$126,194	\$21,155	\$271,554	\$295,709						\$251,299
LABOR DETAIL											
PAUL GARZA Mark J Jenson B. QA/QC Rudy Jacob Tim E. Name Name Name RE Env. Insp. Chief Inspector Inspector-3 Doc Control Review Review Role Role Role											
ON-SITE PERSONNEL HOURS											
On-Site Reg Hours 880 0 0 280 0 0 880											
On-Site OT Hours 0 0 0 110 0 0 110											
OFF-SITE PERSONNEL HOURS											
Off-Site Reg Hours 440 880 0 0 44 1,408											
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TOTAL LABOR HOURS											
\$ 61.30	\$23.53	\$65.00	\$42.00	\$36.54	\$55.00						
DIRECT HOURLY RATES (*Rates are average hourly rate per level)											
DIRECT HOURLY RATES - OT											
\$0	\$0	\$0	\$0	\$0	\$0	\$10,280	\$0	\$0	\$0	\$0	\$0
\$25.971	\$0	\$20,506	\$0	\$0	\$0	\$3,053	\$1,600	\$2,420	\$0	\$0	\$0
DIRECT SALARIES (ON-SITE PERSONNEL)											
OT PAY (ON-SITE PERSONNEL)											
DIRECT SALARIES (OFF-SITE PERSONNEL)											
OT PAY (OFF-SITE PERSONNEL)											
Task/Function Codes											
a. Review Documents and Information											
b. Technical Support Services											
c. Communication and Coordination											
d. Bid Evaluations and Recommendation											
e. Construction Phase Services											
f. Construction Management Team											
g. Construction Contract Finalization											
LABOR TOTAL											
DIRECT EXPENSES - NON LABOR											
Vehicles (22 months @ \$1,200.00 per month) (3+5+5)											
Phones (13 Months @ \$100 per month)											
Computers (13 Months @ \$75 per month)											
Internet (13 Months @ \$55 per month)											
Office Supplies (5 months @ \$20 per month)											
Printer/Copier (50 months including closeout phase)											
Safety Supplies											
TOTAL EXPENSES:											
\$ 12,590											
SUMMARY OF PROJECT COSTS											
Total Labor											
Total Expenses											
TOTAL PROJECT COST											
\$ 251,299											
SAY \$ 251,300.00											



Location Map



**CITY OF THE COLONY, TEXAS
RESOLUTION NO. 2016-_____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A CONTRACT AMENDMENT BY AND BETWEEN THE CITY OF THE COLONY AND VRX, INC. FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE SOUTH COLONY BOULEVARD GRADE SEPARATION PHASE 2, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City and Consultant have entered into an agreement such that the Consultant is to provide the following services: **CONSTRUCTION MANAGEMENT SERVICES RELATED TO PHASE 2 OF THE SOUTH COLONY BOULEVARD GRADE SEPARATION**; and

WHEREAS, the City has determined that it is in the best interest of the City to enter into Contract Amendment No. 1 with **VRX, INC.**, which is attached hereto and incorporated herein by reference as Exhibit "A," under the terms and conditions provided therein; and

WHEREAS, with this Contract Amendment the City of The Colony is agreeing to pay the sum not to exceed \$251,300.00 for such work, with funding provided by Denton County Regional Toll Revenues and the Tax Increment Reinvestment Zone Number One.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS THAT:

Section 1. The Construction Management Services Contract Amendment No. 1, which is attached and incorporated hereto as Exhibit "A", having been reviewed by the City Council of the City of The Colony, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved in the amount of \$251,300.00 and the City Manager is hereby authorized to execute the Contract on behalf of the City of The Colony, Texas.

Section 2. That this Resolution shall take effect immediately from and after its adoption and it is so resolved.

PASSED, APPROVED and EFFECTIVE this 19th day of January, 2016.

ATTEST:

Joe McCourry, Mayor
City of The Colony, Texas

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney

TO: Mayor, City Council, and City Manager

DATE SUBMITTED: January 13, 2016

MEETING DATE: 1/19/2016

**SUMMARY OF
REQUEST:**

A. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the city attorney regarding a contract with Atlantic Hotels.

B. Council shall convene into a closed executive session pursuant to Section 551.071 of the TEXAS GOVERNMENT CODE to see legal advice from the city attorney regarding a Hawaiian Falls Waterpark Ground lease Operating Agreement and related documents.

C. Council shall convene into a closed executive session pursuant to Section 551.074 of the TEXAS GOVERNMENT CODE to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of Municipal Court Alternate Judge(s).

D. Any action as a result of executive session.
